

Zoning Board of Appeals Meeting

Just Holster it, 13350 Broadway. SBL #108.20-7-12.1

April 17, 2018

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 pm.

Present: Michael DeWitt, Stephanie Bea Pautler, Charlie Gaffney, Tom Kirszenstein, Attorney Chris Trapp and Jeff Benty.

Absent: Brian Schumacher,

The purpose of this public hearing: There are two variances being addressed at this meeting.

#1) to erect a sign 11.83 feet from street payment, in contradiction of the requirements that a sign must be a minimum of 15 feet from street pavement.

#2) to erect a sign 3.83 feet from a front property line, in contradiction of the code requirements that a sign must be a minimum of 10 feet from a front property line.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Jeff Benty – Just holster it, would like to remove pre-existing signs and bushes for new signage. If he followed the required setbacks it would be on his front porch and in his parking lot and not be visible from Broadway.

There was no reply from the county and no public input.

MOTION by Charlie Gaffney, seconded by Tom Kirszenstein to close the Public Hearing. Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance #1) to erect a sign 11.83 feet from street payment

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, the signs are going in the same place almost. It is also already a commercial district with both adjacent properties being commercial enterprises.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No. the business owner has no space to work with and they are simply replacing signs that already exist. Due to the physical condition of the signs that are already there, they have to replace the old signs with new signs. They cannot use the old signs.**

3. Whether the requested area variance is substantial? **No, they are actually moving the signs further away from the road thereby making them less non-conforming.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No, it will remain a commercial area.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **Yes, to the extent that they want to put up new signs rather than use what currently exists.**
6. Whether it will create a hazard to health, safety or general welfare? **No. They are simply replacing signs that currently exist and have been in place for over twenty years.**

5 no's and 1yes, the board has made the following motion.

MOTION by Tom Kirszenstein and seconded by Charles Gaffney, to grant the requested variance, Unanimous, Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance #2 to erect a sign 3.83 feet from a front property line

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, the signs are going in the same place almost. It is also already a commercial district with both adjacent properties being commercial enterprises.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No. the business owner has no space to work with and they are simply replacing signs that already exist. Due to the physical condition of the signs that are already there, they have to replace the old signs with new signs. They cannot use the old signs.**
3. Whether the requested area variance is substantial? **No, the variation is not very large and substantially similar to what already exists.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No, going in the same place a sign had been there for years.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **Yes, to the extent that they want to put up new signs rather than use what currently exists.**

6. Whether it will create a hazard to health, safety or general welfare? **No, they are simply replacing signs that currently exist and have been in place for over twenty years.**

5 no's, 1 yes. Same s above.

MOTION by Stephanie Pautler-Bea and seconded by Charlie Gaffney, to grant the requested variance, Unanimous, Carried. 6:36 pm.

MOTION by Tom Kirszenstein and seconded by Stephanie Pautler-Bea, to adjourn the meeting, Unanimous, Carried. 6:37 pm.

Respectfully submitted,

Sue Galbraith, ZBA Secretary